



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,789	11/07/2001	Jonas Lee	941-002	1847

7590 01/26/2005

SOFER & HAROUN, L.L.P.
317 Madison Avenue
Suite 910
New York, NY 10017

EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,789

Applicant(s)

LEE ET AL.

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-7, 15, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Langheinrich.

Claim 1

- Langheinrich teaches of an advertising administration module, configured to maintain a plurality.....(Col 2, lines 53-55); a user terminal interface module coupled to said advertising.....(Col 2, lines 50-52, 60-63); decision maker module configured to select one of said advertising content....(Col 2, lines 63-67).

Claim 6

- Langheinrich teaches of advertising maintenance module further comprises a memory unit that stores a set of rules corresponding(Col 3, lines 25-35, Col 5, lines 10-31).

Claim 7

- Langheinrich teaches of an information template flesh-out module coupled to said advertising maintenance module(Col 5, lines 35-38).

Claim 15

- Langheinrich teaches of an advertising administration module, configured to maintain a plurality.....(Col 2, lines 53-55); a user terminal interface module coupled to said advertising.....(Col 2, lines 50-52, 60-63); configured to allow a user to specify a set of rules corresponding to an advertising campaign (Col 1, lines 34-45); decision maker module configured to select one of said advertising content....(Col 2, lines 63-67).

Claim 18

- Langheinrich teaches of cookie profile information (Col 2, lines 4-10) and information including gender....(Col 1, lines 41-46).

Claim 19

Art Unit: 2142

- Langheinrich teaches of configured to analyze response rates of each advertising content within each advertising campaign to measure effectiveness of said rule sets (Col 4, lines 33-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langheinrich and further in view of Official Notice.

Claim 16

- Langheinrich is silent in regards to providing weather related.....Examiner takes official notice that it is well known in the arts to provide weather related information based on user's geographical location and thus official notice is taken. This is done frequently using portals such as the weatherchannel, yahoo, and msn. It would have been obvious to one of

ordinary skill in the art at the time of invention to make the above-mentioned modification to Langheinrich's invention because it would allow him to not only provide customized advertisements but also useful customized information, thus resulting in a more efficient invention.

Claims 2-5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langheinrich as applied to claim 1 above, and further in view of Parekh.

Claims 2-5, 17

- Langheinrich is silent in regards to: to retrieve geographical location of said user terminal for use by said server..., wherein said geographical location further comprises said user's metropolitan region, Parekh teaches on this aspect (Col 3, lines 2-4). It should be noted that although Parekh didn't explicitly state that location consisted of a metropolitan area, this is inherent; ... module configured to retrieve system information corresponding to system specifications related to said user terminal.... includes the specification of peripheral devices.... said information includes hardware specification, Parekh teaches on this aspect (Col 3, lines 45-55, Fig 14B). Langheinrich's invention relates to selection and delivery of customized advertisements (Col 1, lines 5-15). Parekh's invention relates to methods for profiling Internet users (Col 1, lines 20-

25). Adding the above mentioned features to Langheinrich's invention would provide more information about the user thus allowing him to provide more customized contents. It is for this reason that one of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications.

Claims 8-9, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langheinrich as applied to claim 7 above, and further in view of Liu.

Claim 8, 10, 12

- Langheinrich is silent in regards to:so as to track the time said advertising content is displayed and the amount of time; ... as to track the occurrence of a click through (Col 12, lines 13-16). Liu teaches of a method to track the time that content is displayed on user terminal and other aspects discussed above (Col 4, lines 36-40, Col 9, lines 30-34, Col 12, lines 40-45, Col 12, lines 14-16). One of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modifications for the same reasons discussed above in Claim 2.

Claim 11

- Langheinrich does not explicitly teach of tracks the number of advertising contents that were displayed. Lui teaches of tracking the

number of times a person visits a website (Col 2, lines 56-58). It is inherent that if Lui's invention can count the number of times a person visits a website, it can also count the number of advertisements that are displayed on a user's interface. It is an objective of Langheinrich's invention to increase advertisement response rate. One of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modifications because it would give an indication of how much advertisement the user has seen, aiding in marketing decisions such as if customer has reached advertisement saturation (i.e. seen too much advertisement in one session therefore will not be responsive to other advertisement).

Claim 9 and 13

- Langheinrich teaches of... request component includes a small object...(Col 2, lines 6-14).

Claim 14

- Langheinrich teaches about logging the occurrence of a click-through (Col 7, lines 55-60). Langheinrich doesn't explicitly teach about correlating purchases and occurrence of click-through. Lui teaches about monitoring purchases made (Col 2, lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Langheinrich's

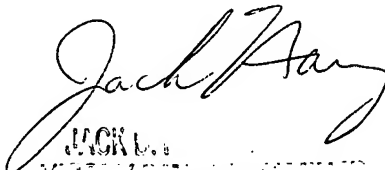
invention to create a correlation between the occurrence of a click through and purchase rate because this would aid in Langheinrich's objective of increasing an advertisement's response rate by allowing him to see if there is an relationship between the occurrence of a clickthrough and likelihood of purchases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3903.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr


JACK HARVEY
SUPERVISOR

Application/Control Number: 10/007,789
Art Unit: 2142

Page 9